

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Defendant.

NOTICE OF ASSIGNMENT AND ORDER

As a result of the aforesaid Local Rule and assignment, if all parties consent in writing, the case will remain with the assigned Magistrate Judge pursuant to Title 28 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party chooses the district judge option, the case will be randomly reassigned to a U.S. district judge. To either consent to the assigned Magistrate Judge or to elect to have the case heard before a district judge, the appropriate section of the form, entitled Consent To Exercise Of

Jurisdiction By United States Magistrate Judge,¹ must be completed, signed and filed. The party filing the case or removing it to this District Court is responsible for serving all parties with the consent forms. Each party must file a completed consent form and certificate of service with the Clerk of the Court no later than 20 days after entry of appearance or as otherwise directed by the Court, and shall serve a copy upon all other parties of record in the case.

Any party is free to withhold consent to magistrate-judge jurisdiction without adverse substantive consequences. Title 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 914 (9th Cir. 2003) (pointing out that consent is the “touchstone of magistrate judge jurisdiction” under Title 28 U.S.C. §636(c)). “A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge.” *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing *Pacemaker Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir. 1984) (*en banc*)).

A review of the District Court’s docket reflects that the Complaint was filed on August 19, 2008. Plaintiff shall have until and including **September 12, 2008** within which to make his selection to either voluntarily consent to magistrate-judge jurisdiction or elect to have the case assigned to a United States district judge.

Accordingly,

IT IS ORDERED that Plaintiff shall file his written election to either consent to magistrate-judge jurisdiction or elect to proceed before a United States district judge on or before **Friday, September 12, 2008**.

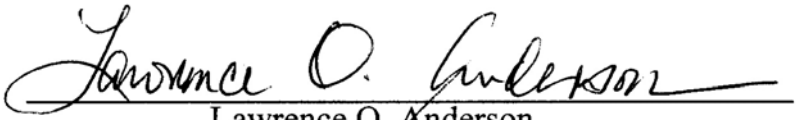
¹The consent/election form was or will be electronically provided to Plaintiff’s counsel by the Clerk. One may also find the consent/election form on the District’s web site, click on “Local Rules” at the top of the page, then click on “Forms” on the left side of the page and then click on and print the appropriate form. Consent/election forms are not to be e-filed. Consent/election forms are to be filed in paper form with the Clerk’s Office. ECF Policies and Procedure Manual, II, ¶ M at p.19.

1 **IT IS FURTHER ORDERED** that Defendant shall file its written election
2 to either consent to magistrate-judge jurisdiction or elect to have this case assigned to a
3 United States district judge within 20 days of its appearance herein or as otherwise directed
4 by the Court.

5 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
6 shall hereinafter comply with the Rules of Practice for the United States District Court for
7 the District of Arizona. The District's Rules of Practice may be found on the District Court's
8 internet web page at www.azd.uscourts.gov/.

9 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
10 shall use the above caption, number and initials until further order of the Court.

11 DATED this 22nd day of August, 2008.

12 
13 Lawrence O. Anderson
14 United States Magistrate Judge